



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
YONG BIAO JI, on behalf of himself and
others similarly situated,

Plaintiff,

v.

NEW AILY FOOT RELAX STATION INC,
and EILEEN FOOT RELAX STATION INC,
Defendants.
-----X

ORDER

22 CV 8196 (VB)

Defense counsel's request to adjourn the initial pretrial conference is DENIED. (Doc. #26).

First, the application fails to comply with Judge Briccetti's individual practices in that it fails to state: (i) the number of previous requests for adjournments (if any) and the reasons therefor, (ii) whether these previous requests (if any) were granted or denied, and (iii) whether defense counsel's adversary consents to the adjournment, and if not, the reasons given by the adversary for refusing to consent.

More importantly, defense counsel's statement that he has a "pre-committed" state court appearance is false. Counsel entered his appearance in this case on November 3, 2022, at the same time that he moved to dismiss the complaint. (Doc. #11). That motion was denied on May 19, 2023. (Doc. #14). On the same day, the initial conference in this action was scheduled, and counsel received notice of same on May 30, 2023. (Doc. ##15, 17).

A review of the state court docket for the landlord-tenant matter to which defense counsel refers shows that counsel entered an appearance in that matter on June 1, 2023, and counsel's court appearance for July 6 was not scheduled until June 2. Therefore, not only was defense counsel's state court commitment scheduled after the initial conference in this action was scheduled and he received notice of same, but defense counsel has also known about the conflict for nearly a month and failed to request an adjournment of this conference or of the court appearance in state court.

Accordingly, the application to adjourn the initial conference is DENIED. The initial conference remains scheduled for July 6, 2023, at 12:00 p.m., to proceed in person at the White Plains Courthouse, Courtroom 620.

Dated: June 29, 2023
White Plains, NY

SO ORDERED:

Vincent L. Briccetti
United States District Judge